



AF/3635
#200
PATENT 3/4/03
T.M.

ATTORNEY DOCKET NO.: 044696-5007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Reissue Application of:
Jan Hendrik Mensen

U.S. Patent No.: 5,657,600
Issued August 19, 1997

Reissue Application Serial No.: 09/374,598

Filed: August 13, 1999

For: **WEB MEMBER FOR CONCRETE
FORM WALLS**

Examiner: Stephan, B.

Art Unit: 3635

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAR 03 2003

GROUP 3600

APPELLANT'S APPEAL BRIEF UNDER 37 C.F.R. § 1.192 TRANSMITTAL FORM

Sir:

1. Transmitted herewith is an Appellants' Brief Under 37 C.F.R. § 1.192 (in triplicate), which is being submitted further to the Notice of Appeal filed September 23, 2002.

2. Additional papers enclosed:

- ☐ Request for Presence at the Appeal Conference
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Oral Hearing Under 37 C.F.R. § 1.194

- ☒ Oral hearing is hereby requested.
- ☒ Fee under 37 C.F.R. § 1.17(d) is enclosed.

02/26/2003 CV0111 00000036 500310 09374598

03 FC:2253 465.00 CH

4. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Extension of time fee due with this request: \$460.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

5. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

}

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Please charge Deposit Account No. 50-0310 the amount of \$460.00 for 3 month extension and \$160.00 for filing an appeal brief under 37 C.F.R. §1.17(c) (small entity) fee, and \$140.00 for the oral hearing under 37 C.F.R. §1.17(d).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: February 24, 2003

By: Richard S. Meyer
Richard S. Meyer
Registration No. 32,541
James L. Reed
Registration No. 43,877

Customer No. 009629
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000